

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 16, 2008, AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 236-6256. Internet access to the agenda is available at:

<http://www.sandiego.gov/redevelopment-agency/index.shtml>

ITEM-300:

ROLL CALL.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Approval of Council Minutes.

ITEM-31: Unite in Peace Day.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.

ITEM-32: Kerry Kirby Day.
COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION: Adopt the resolution.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair; however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50: Second Amendment to the Agreement with T.Y. Lin International for the West Mission Bay Drive Bridge over San Diego River Replacement Project. (Mission Bay Park, Midway-Pacific Highway Corridor, and Peninsula Community Areas. Districts 2 and 6.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 9/2/2008, Item 54.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-51: Fifth Amendment to Agreement with Boyle Engineering Corporation for Design Services for the La Jolla Village Drive/Interstate 805 Interchange Ramps Project. (University Community Area. Districts 1, 5, and 7.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 9/2/2008, Item 55.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-52: Contract Change Order No. 4 with Habitat Restoration Sciences for the San Diego Wetland Creation Project – Phase B. (Mission Valley Community Area. District 6.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 9/2/2008, Item 56.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-53: Exempting Six (6) Program Coordinator Positions in the Debt Management Department from the Classified Service.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 9/2/2008, Item 57.
- ITEM-54: Exempting One (1) Program Manager Position from the Classified Service.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 9/2/2008, Item 58.
- ITEM-100: Grant Agreement with California Department of Public Health for Lead Enforcement Supplemental Funding for Fiscal Year 2008-2009.
STAFF'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-101: Designating Council President Pro Tem Jim Madaffer and Council President Scott Peters as Voting Delegates for the City of San Diego at the League of California Cities Annual Business Meeting.
COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Appointment to the Southeastern Economic Development Corporation Board of Directors.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-103: Appointment and Reappointment to the Convention Center Corporation Board of Directors.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-104: Reappointments to the Wetlands Advisory Board.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-105: Reappointment to the Old Town Planned District Design Review Board.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-106: Reappointment to the Citizens' Equal Opportunity Commission.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-107: Reappointments to the Historical Resources Board.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-108: Excusing Council President Pro Tem Jim Madaffer from Attending the September 22, 2008, Fire Prevention and Recovery Committee Meeting; September 22, and 23, 2008, Council Meetings; September 23, 2008, Closed Session Meeting; and September 24, 2008, Budget Committee Meeting.
COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-109: Declaring a Continued State of Emergency Regarding the Wildfires.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of
Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of
Raw Sewage from Tijuana, Mexico. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-112: State of Local Emergency Declaration Regarding the Landslide on Mount
Soledad.
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

NOTE: This item may be taken in the morning session if time permits.

- ITEM-330: Sole-Source Agreement with Emerson Process Management Power and
Water Solutions, Inc., for Design and Construction of Metro Facilities
Control System Upgrades at the Metropolitan Biosolids Center.
(District 7.)
STAFF'S RECOMMENDATION: Adopt the resolution.

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

- ITEM-331: Request to Bid – Demolition of Three Unreinforced Masonry Buildings
(1335 Market Street, 753 and 771 13th Street) and One Building (4332
University Avenue) – East Village Redevelopment District of the
Expansion Sub Area of the Centre City Redevelopment Project and City
Heights Redevelopment Project. (Districts 2 and 3.)
CENTRE CITY DEVELOPMENT CORPORATION'S
RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-332: Tailgate Park Environmental Covenant. (Petco Ballpark Tailgate Park. District 2.)
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

ITEM-333: La Jolla Shores Lifeguard Station Amendment, Project No. 146179. Appeal of the environmental determination for a Mitigated Negative Declaration. (La Jolla Community Plan Area. District 1.)
STAFF'S RECOMMENDATION: Take the actions.

ITEM-334: Torrey Hills VTM, Project No. 106228. An application for a Rezone from the IP-2-1 and RM-2-5 Zones to RM-3-8 and OR-1-1 Zones, Community Plan Amendment, Vesting Tentative Map and Planned Development Permit to allow the development of 484 residential condominiums and 4,000 square feet of commercial retail space. (Torrey Hills Community Plan Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolutions in Subitems A, C, D, and E; and introduce the ordinance in Subitem B:

ITEM-335: Wightman Street Neighborhood Park, Project No. 149112. Appeal of the decision by the Mayor Designee certifying a Mitigated Negative Declaration (MND) for the design and development of the Wightman Street Neighborhood Park. The proposed project site is located at 5024-5050 Wightman Street, east of 50th Street and south of University Avenue. This Appeal applies only to the environmental determination. (City Heights Neighborhood of the Mid-City Communities Plan Area. District 7.)
STAFF'S RECOMMENDATION: Take the actions.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

[▶ View referenced exhibit back-up material \(Part 1 of 2\).](#)

[▶ View referenced exhibit back-up material \(Part 2 of 2\).](#)

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

07/21/2008

07/22/2008

07/28/2008

07/29/2008

08/04/2008 – Adjourned

08/05/2008 – Adjourned

08/11/2008 – Adjourned

08/12/2008 – Special Meeting

08/18/2008 – Adjourned

08/19/2008 – Adjourned

08/25/2008 – Adjourned

08/26/2008 – Adjourned

09/01/2008 – Adjourned

ITEM-31: Unite in Peace Day.

[▶ View referenced exhibit back-up material.](#)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-252)

Recognizing Unite in Peace for its leadership in community service and commending the organization for its dedication and tireless work for those who have been affected by adversity and tragedy;

Proclaiming September 16, 2008, to be “Unite in Peace Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: Kerry Kirby Day.

[▶ View referenced exhibit back-up material.](#)

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-245)

Proclaiming September 16, 2008, as "Kerry Kirby Day" in the City of San Diego in recognition of the many community services she has provided to the citizens of San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair; however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 10:00 a.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, 53, and 54.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-50: Second Amendment to the Agreement with T.Y. Lin International for the West Mission Bay Drive Bridge over San Diego River Replacement Project. (Mission Bay Park, Midway-Pacific Highway Corridor, and Peninsula Community Areas. Districts 2 and 6.)

[▶ View referenced exhibit back-up material.](#)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/2/2008, Item 54. (Council voted 8-0):

(O-2009-5)

Authorizing the Mayor to execute, for and on behalf of the City, a Second Amendment to the Agreement with T.Y. Lin International in an amount not to exceed \$2,017,859, for professional services for the West Mission Bay Drive Bridge over San Diego River Replacement Project (Project), together with any reasonably necessary modifications or amendments thereto which do not increase the project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$2,017,859, of which \$2,000,000 is available from Fund 38993, Highway Bridge Program and \$17,859 is available from Fund 30300, TransNet for CIP-52-643.0, West Mission Bay Drive Bridge over San Diego River Replacement Project for the purpose of the Second Amendment to the Agreement with T.Y. Lin International;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is not a "project" and is therefore not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2).

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-51: Fifth Amendment to Agreement with Boyle Engineering Corporation for Design Services for the La Jolla Village Drive/Interstate 805 Interchange Ramps Project. (University Community Area. Districts 1, 5, and 7.)

[▶ View referenced exhibit back-up material.](#)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/2/2008, Item 55. (Council voted 8-0):

(O-2009-20)

Authorizing the Mayor, or his designee, to execute a Fifth Amendment to the Agreement with Boyle Engineering Corporation for Design Services for CIP-52-485.0, La Jolla Villa Drive/Interstate 805 Interchange Ramps Project for an amount not to exceed \$809,158, under the terms and conditions set forth in the Amendment, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$809,158 from Fund No. 79001, North University City Facilities Benefit Assessment, CIP-52-485.0, La Jolla Village Drive/Interstate 805 Interchange Ramps Project for the purpose of executing this Fifth Amendment to the Agreement;

Declaring that this activity is not a project and is therefore not subject to California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15060(c)(3);

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess funds, if any, to the appropriate reserves.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-52: Contract Change Order No. 4 with Habitat Restoration Sciences for the San Diego Wetland Creation Project – Phase B. (Mission Valley Community Area. District 6.)

[▶ View referenced exhibit back-up material.](#)

(See Metropolitan Wastewater Department's 5/21/2008, Executive Summary Sheet.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/2/2008, Item 56. (Council voted 8-0):

(O-2009-12)

Approving Contract Change Order No. 4, issued in connection with the contract between the City and Habitat Restoration Sciences, said contract having been filed in the Office of the City Clerk as Document No. C-13428, together with the changes set forth, amounting to an extension of time of 3.5 years (1,245 days) on the project, and authorizing the Mayor, or his designee to execute the Change Order;

Declaring that the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3). The activity is a subsequent discretionary approval of a project which was adequately addressed under Environmental Impact Report PTS No. 6020, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

- * ITEM-53: Exempting Six (6) Program Coordinator Positions in the Debt Management Department from the Classified Service.

[▶ View referenced exhibit back-up material.](#)

(See memoranda from Hadi Dehghani dated 7/17/2008 and 6/27/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/2/2008, Item 57. (Council voted 8-0):

(O-2009-16)

Exempting from the Classified Service six (6) Debt Management Program Coordinator positions and declaring them to be in the Unclassified Service of the City of San Diego, pursuant to Section 117(a)17 of the City Charter, having received the review and comment of the Civil Service Commission on July 3, 2008, as meeting the Charter criterion for exemption from the Classified Service, and having considered and reviewed the memorandum thereon from the Personnel Director to the Council President and City Council dated July 17, 2008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

* ITEM-54: Exempting One (1) Program Manager Position from the Classified Service.

[▶ View referenced exhibit back-up material.](#)

(See memoranda from Hadi Dehghani dated 7/14/2008 and 6/27/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/2/2008, Item 58. (Council voted 8-0):

(O-2009-8)

Exempting from the Classified Service the position of Administrative Services Program Manager, reporting to the Park and Recreation Assistant Director, and declaring it to be in the Unclassified Service of the City of San Diego, pursuant to Section 117(a)17 of the City Charter, after having received the review and comment by the Civil Service Commission on July 3, 2008, as meeting the Charter criterion for exemption from the Classified Service, and after having considered and reviewed the memorandum from the Personnel Director to the Council President and City Council dated July 3, 2008.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Grant Agreement with California Department of Public Health for Lead Enforcement Supplemental Funding for Fiscal Year 2008-2009.

[▶ View referenced exhibit back-up material.](#)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-157)

Authorizing the Mayor, or his designee, to apply for, negotiate, and accept grant funding of \$537,543 from the California Department of Public Health in connection with the Lead Enforcement Supplemental Funding for Fiscal Year 2008-2009, to perform lead hazard enforcement and assist other local enforcement programs in the County of San Diego to develop lead hazard enforcement programs, and to execute Grant Agreement No. 08-85089;

Authorizing the City Controller, upon execution of the grant agreement, to accept, appropriate, and expend \$537,543, in grant award funds from the California Department of Public Health under its Lead Enforcement Supplemental Funding for Fiscal Year 2008-2009;

Declaring that the acceptance of grant funds is not a project and therefore is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(4); the proposed enforcement actions are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15321; and the proposed implementation of various health-related modifications to existing structures is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

The City's Lead Safe Neighborhoods Program (LSNP), coordinated by the Environmental Services Department (ESD), was approved by the City Council in 2002, and has since been aggressively tackling the problem of lead poisoning in San Diego. During the past six years, LSNP has been developing strategies and relationships designed to tackle the issue of lead poisoning in a multi-faceted way, relying on a blend of outreach, training, lead hazard control, and code enforcement activities. Primary funding source for LSNP have been grants totaling in excess of \$11,000,000.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

In September 2007, CDPH announced supplemental funding in the amount of \$179,181 per year for three years, totaling \$537,543, to be allocated to the County of San Diego region to conduct lead enforcement activities to reduce incidences of childhood lead poisoning. The County of San Diego declined participating in the grant and CDPH allowed the City of San Diego to receive the award. This grant is very similar to one from the State of California that was managed by the LSNP from FY 2004 to FY 2006.

This grant is an important fiscal resource to support enforcement of the new Lead Hazard Prevention and Control Ordinance that was approved by City Council and the Mayor this year. Primary activities associated with this grant are:

1. Perform enforcement to remove lead hazards when a child has been identified with elevated blood lead levels.
2. Perform enforcement to remove lead hazards before a child has been identified with elevated blood lead levels.
3. Assist other local agency housing enforcement programs in the County of San Diego to develop lead enforcement protocols and procedures by providing funds for lead training, lead certification, technical assistance, and reimbursement on eligible lead enforcement cases.

ESD will re-classify an existing Building Maintenance position to create one new limited Asbestos and Lead Program Inspector position. The Asbestos and Lead Program Inspector position will be eliminated at the conclusion of the grant funding. The grant is currently funded through June 30, 2011, and may be renewed at that time.

FISCAL CONSIDERATIONS:

No matching funds are required for this grant. The grant provides \$179,181 per year, with a three-year total not to exceed \$537,543, beginning in FY 2009 and continuing through June 30, 2011. Of that amount, no more than \$52,000 may be used over the three-year period to offset eligible costs that support lead enforcement activities and training for other local jurisdictions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

In 2004, the Lead Poisoning Prevention Citizens' Advisory Taskforce presented a municipal ordinance on the elimination of lead hazards within the City of San Diego, which the City's Land Use and Housing Council Committee approved. On March 25, 2008, the Lead Hazard Prevention and Control Ordinance was unanimously approved by City Council and signed into law by the Mayor. The effective start date for the ordinance was May 9, 2008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Since FY 2002, the LSNP has annually received Community Development Block Grant (CDBG) funds to identify and eliminate lead paint hazards in area homes. In FY 2009, Council Districts 1, 3, and 6 combined have allocated \$102,500 of CDBG funding to conduct enforcement activities related to lead hazards.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Lead Poisoning Prevention Citizens' Advisory Taskforce was created in September 2002 to ensure community and stakeholder input for the Lead Safe Neighborhoods Program. The taskforce was co-chaired by Councilmember Donna Frye and former Councilmember Ralph Inzunza. The purpose of this committee was to provide consultation and assistance to the City with respect to the development and implementation of the LSNP. Additionally, the LSNP is currently administering two grants dedicated to conducting outreach and awareness. These grants fund educational materials, trainings and workshops to individuals and community associations, including awareness training on the new Lead Hazard Prevention and Control Ordinance. Many Community Based Organizations' (CBOs) and private sector associations are involved as grant partners.

KEY STAKEHOLDERS:

The City and County of San Diego and the residents, and local housing enforcement programs in the San Diego region.

Gonaver/Heap

Staff: Alan Johanns - (858) 573-1262
Grace C. Lowenberg - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Designating Council President Pro Tem Jim Madaffer and Council President Scott Peters as Voting Delegates for the City of San Diego at the League of California Cities Annual Business Meeting.

[▶ View referenced exhibit back-up material.](#)

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-194)

Designating Council President Pro Tem Jim Madaffer as its voting delegate at the League of California Cities Annual Business Meeting being held in Long Beach, California on September 27, 2008, and designating Council President Scott Peters to serve as an alternate voting delegate.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Appointment to the Southeastern Economic Development Corporation Board of Directors.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from Mayor Sanders dated 9/4/2008, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-260)

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Southeastern Economic Development Corporation Board of Directors, for a term ending as indicated:

NAME

TERM ENDING

Delores McNeely
(Point Loma, District 2)
(Replacing Sharon Whitehurst-Payne,
who is termed out)

May 25, 2009

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Appointment and Reappointment to the Convention Center Corporation Board of Directors.

[► View referenced exhibit back-up material.](#)

(See memorandum from Mayor Sanders dated 8/20/2008, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-261)

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the Convention Center Corporation Board of Directors, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Nicole "Nikki" A. Clay (Mission Hills, District 2) (Replacing Kevin Tilden, who is termed out)	December 1, 2010
Chris Cramer (Point Loma, District 2) (Reappointment)	December 1, 2010

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: Reappointments to the Wetlands Advisory Board.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from Mayor Sanders dated 9/3/2008.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-264)

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Wetlands Advisory Board, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Eric Bowlby (North Park, District 3) (Reappointment)	July 1, 2009
H. Lawrence Serra (La Jolla, District 1) (Reappointment)	July 1, 2009
Judith St. Leger (South Park, District 3) (Reappointment)	July 1, 2009

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: Reappointment to the Old Town Planned District Design Review Board.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from Mayor Sanders dated 9/3/2008.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-265)

Council confirmation of the following reappointment by the Mayor of the City of San Diego, to serve as a member of the Old Town Planned District Design Review Board, for a term ending as indicated:

NAME

TERM ENDING

Charles Ambers, Jr.
(Old Town, District 2)
(Reappointment)

March 1, 2010

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Reappointment to the Citizens' Equal Opportunity Commission.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from Mayor Sanders dated 9/3/2008.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-262)

Council confirmation of the following reappointment by the Mayor of the City of San Diego, to serve as a member of the Citizens' Equal Opportunity Commission, for a term ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Dr. Patricia Hsieh (Clairemont, District 6) (Reappointment)	(Asian/Pacific Islander)	January 1, 2010

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Reappointments to the Historical Resources Board.

[▶ View referenced exhibit back-up material.](#)

(See memorandum from Mayor Sanders dated 9/4/2008.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-263)

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Historical Resources Board, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Maria Curry (Barrio Logan, District 8) (Reappointment)	Member	March 1, 2010
Louis Otto Emme (La Jolla, District 1) (Reappointment)	Member	March 1, 2010

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Excusing Council President Pro Tem Jim Madaffer from Attending the September 22, 2008, Fire Prevention and Recovery Committee Meeting; September 22 and 23, 2008, Council Meetings; September 23, 2008, Closed Session Meeting; and September 24, 2008, Budget Committee Meeting.

[▶ View referenced exhibit back-up material.](#)

COUNCIL PRESIDENT PRO TEM MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-230)

Excusing Council President Pro Tem Jim Madaffer from attending the following meetings due to travel representing the City of San Diego on the San Diego Association of Governments (SANDAG) Board of Directors:

1. September 22, 2008 – Ad Hoc Fire Prevention and Recovery Committee Meeting.
2. September 22 and 23, 2008 – City Council Meetings (including Closed Session).
3. September 24, 2008 – Committee on Budget and Finance Meeting.

NOTE: This item is not subject to the Mayor's veto.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: Declaring a Continued State of Emergency Regarding the Wildfires.

[▶ View referenced exhibit back-up material.](#)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-38)

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

* ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

[▶ View referenced exhibit back-up material.](#)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-56)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

[▶ View referenced exhibit back-up material.](#)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-1115)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- * ITEM-112: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

[▶ View referenced exhibit back-up material.](#)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-1177)

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

NOTE: This item may be taken in the morning session if time permits.

ITEM-330: Sole-Source Agreement with Emerson Process Management Power and Water Solutions, Inc., for Design and Construction of Metro Facilities Control System Upgrades at the Metropolitan Biosolids Center. (District 7.)

[▶ View referenced exhibit back-up material \(Part 1 of 2\).](#)

[▶ View referenced exhibit back-up material \(Part 2 of 2\).](#)

(See memorandum from Tom Zeleny dated 8/14/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-246)

Authorizing the Mayor, or his designee, to execute a Sole-Source Contract with Emerson Process Management Power and Water Solutions, Inc., for design and construction of Metro Facilities Control System Upgrades at the Metropolitan Biosolids Center in an amount not to exceed \$6,342,799, and under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$7,000,000, solely and exclusively, to provide funds for the above contract, contingency, and related costs, to be expended as follows: \$6,942,799 from Sewer Fund No. 41509, CIP-45-966.0, Metro Facilities Control System Upgrade; and \$57,201 from Sewer Fund No. 41509, CIP-46-502.0, Annual Allocation - Clean Water Program Pooled Contingencies; and provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Declaring that the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 as the repair or maintenance of existing facilities.

STAFF SUPPORTING INFORMATION:

The existing Distributed Control System (DCS) at MBC was installed 10 years ago. Since the installation, the facility has added more processes and Capital Improvement Projects (CIP) utilizing most of the spare capacity of the system.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

There are future critical CIP projects that will have to be incorporated and controlled by the DCS system at MBC. In addition, the control system installed at MBC has reached the end of its life cycle system support. A thorough Business Case Evaluation (BCE) was conducted. The alternative selected to do this project was to use the original vendor now known as Emerson Process Management Power and Water Solutions, Inc., as a Design/Build Contractor to design and upgrade the hardware and software. Emerson is the only qualified vendor that has the knowledge to understand the existing custom system configuration and how any software, hardware, or third party changes affect each other. The immediate benefits would be gaining a larger system capacity for future CIP upgrades planned for the plant and training for the operation staff will be minimal since the existing control strategies and graphics to operate the plant will be exactly the same. See Sole Source Request and approved memo dated June 5, 2007.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Subconsultant Participation: \$187,641 2.95% \$24,000 0.37%

Other: Workforce Report Submitted. Staff will monitor plan and adherence to Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The total cost of this project is \$ 7,000,000. Funding of \$6,642,800 will be available from the Enterprise Fund in CIP-45-966.0, Metro Facilities Control System Upgrade, Fund 41509, Sewer, and \$337,200 will be available from the Enterprise Fund in CIP-46-502.0, Annual Allocation - Clean Water Program Pooled Contingencies, Fund 41509, Sewer, for this purpose. The funds for this request are included in the 10-year financing plan.

The project cost for the Sewer portion of \$ 7,000,000 may be reimbursed approximately 80% by current or future debt financing.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Metro TAC Committee (4/16/2008), IROC (5/12/2008) and Metro Commission (5/29/2008). The Committee on Natural Resources and Culture on July 23, 2008, made no recommendation and directed staff to provide background information regarding any previous litigation with Emerson Process Management Power and Water Solutions, Inc.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City of San Diego Metropolitan Wastewater Department, Engineering and Capital Projects Department and Emerson Process Management Inc.

Boekamp/Jarrell

Aud. Cert. 2900134.

Staff: Darren Greenhalgh - (619) 533-6600
James W. Lancaster - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-331: Request to Bid – Demolition of Three Unreinforced Masonry Buildings (1335 Market Street, 753 and 771 13th Street) and One Building (4332 University Avenue) – East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project and City Heights Redevelopment Project. (Districts 2 and 3.)

[► View referenced exhibit back-up material.](#)

(See Centre City Development Corporation Report No. CCDC-08-25/
CCDC-08-14/RA-08-23/RTC-08-121.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-242)

Making certain findings with respect to the payment for demolition of the three-unreinforced masonry buildings located at 1335 Market Street, 753 13th Street, and 771 13th Street, City of San Diego, in the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project;

Consenting to the payment by the Agency for all or part of the costs associated with the demolition activities in an amount not to exceed \$144,000;

Finding and determining that this activity is categorically exempt from review under the California Environmental Quality Act (CEQA), Class 1, pursuant to CEQA Guidelines Section 15301.

SUPPORTING INFORMATION:

The Agency has acquired four properties for future development. Recently, the Corporation was approached by Agency staff to provide assistance with demolition of an Agency-owned site in City Heights, already approved for a mixed-used development, and proceeding on a similar schedule. Economies of scale for budgets and schedules can be realized by demolishing all four Agency sites under the same contract.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

SUPPORTING INFORMATION: (Continued)

As a result, the Corporation has agreed to take the lead on the Project and create a demolition contract document package for all four sites, and provide project management oversight during demolition activities. The three vacant East Village properties are located at 1335 Market Street (former Autohaus Pino) - future low and moderate income affordable housing site; and 753 and 771 13th Street (former Import Tire warehouse)-future East Village Green West park site. Each of the three 5,000 square-foot East Village sites contains unreinforced masonry buildings ("URMs"). Per the City of San Diego's ("City") URM ordinance, all URMs shall be seismically retrofitted or demolished to eliminate possible future liability, injury or loss of life due to building collapses. If these buildings are not brought into compliance with the City's ordinance, fines or legal action will be brought against the Agency as the current property owner. It is prudent now to move forward with demolishing the structures to eliminate blighting conditions, comply with the City's URM ordinance, and minimize future liability, injury or loss of life due to potential building collapses.

The 12,500 square-foot City Heights property is located at 4332 University Avenue and currently contains a 2,500 square-foot building. The site is within the footprint of the proposed City Heights Square Office and Retail project and subject to the Implementation Agreement with Price Charities. Price Charities is currently processing a change to the project, specifically, a change from an office and retail project to a commercial and residential project. Also, Agency staff and Price Charities are currently preparing a Second Implementation Agreement to the Disposition and Development Agreement ("DDA") to reflect the proposed changes in the project. Both the entitlement package and Second Implementation Agreement to the DDA are proposed to be submitted to the Agency and City Council for consideration in fall 2008. Pursuant to the DDA, the Agency is obligated to relocate the existing tenant and demolish the existing structure.

FISCAL CONSIDERATIONS:

Funds for the East Village properties are available in the amount of \$96,000 in the Fiscal Year 2009 ("FY 09") Agency Parks Budget, and \$48,000 in the FY 09 Agency Low/Mod Budget, for a total of \$144,000. Funds for the City Heights building in the amount of \$84,000 are available in the FY 09 City Heights Redevelopment Project Area Budget.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

SUPPORTING INFORMATION: (Continued)

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On July 30, 2008, the Corporation Board of Directors voted unanimously in favor of demolition of the three East Village buildings. The Corporation Board did not consider demolition of the City Heights building, as the Agency request to include the work came after the July 30, 2008, meeting. The added work will be funded separately by the City Heights Redevelopment Project Area Budget.

PREVIOUS AGENCY AND/OR COUNCIL ACTIONS:

The original DDA with San Diego Revitalization Corporation was approved by the Agency on May 3, 2005. The First Implementation Agreement to the DDA with Price Charities (formerly San Diego Revitalization Corporation) for the proposed City Heights Square Office and Retail Project was approved by the Agency on November 13, 2007.

Yee/Weinrick/Kaiser/Anderson

Aud. Cert. 2900171.

NOTE: See the Redevelopment Agency Agenda of September 16, 2008, for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-332: Tailgate Park Environmental Covenant. (Petco Ballpark Tailgate Park. District 2.)

[▶ View referenced exhibit back-up material.](#)

(See memorandum from John Serrano dated 4/7/2008.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-896 Cor. Copy)

Authorizing the Mayor, or his designee, to execute, deliver and record the Covenant to Restrict Use of Property Environmental Restriction between the City of San Diego and the County of San Diego for the property bounded by K Street, Imperial Avenue, 12th Avenue, and 14th Street in the City of San Diego, State of California.

SUPPORTING INFORMATION:

The memorandum recommends adoption of the resolution to satisfy California law. The Department of Toxic Substances Control has required that an environmental covenant document be recorded in the County land records restricting certain future uses of Tailgate Park and prohibiting activities that would disturb soil beneath the parking lot "cap." The Redevelopment Agency of the City of San Diego (RDA) owns Tailgate Park. The City owns the closed, but not vacated, streets within the park. The City and the RDA have executed an Encroachment Maintenance and Removal Agreement under which the RDA agreed to maintain and repair the closed street areas. The RDA has leased Tailgate Park to the Padres baseball organization.

This Environmental Covenant will assist with the environmental closure process for the Ballpark Project. Should the City or the RDA desire to use the land at this site in a manner that is inconsistent with the environmental covenant, provisions are available for a discretionary variance procedure that could allow such uses.

FISCAL CONSIDERATIONS: None.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: (Continued)

SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution No. R-2992, adopted June 1, 1999, authorized the President of the Centre City Development Corporation, or designee, to take actions as appropriate within the Project area as authorized by the Polanco Redevelopment Act.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Redevelopment Agency; Padres Baseball Team

Serrano/Goldstone

NOTE: See the Redevelopment Agency Agenda of September 16, 2008, for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-333: La Jolla Shores Lifeguard Station Amendment, Project No. 146179. Appeal of the environmental determination for a Mitigated Negative Declaration. (La Jolla Community Plan Area. District 1.)

[▶ View referenced exhibit back-up material \(Part 1 of 2\).](#)

[▶ View referenced exhibit back-up material \(Part 2 of 2\).](#)

The La Jolla Shores Lifeguard Station Amendment project site is located in front and adjacent to Kellogg Park on the west side of the boardwalk which runs parallel to the Pacific Ocean shoreline near Calle Frescota within the La Jolla Community Plan area. The project is to demolish the existing 850 square-foot lifeguard station located on the west side of the boardwalk within the park's green space; construct a new 1,485 square-foot lifeguard station consisting of two separate buildings that would be connected by a breezeway, with a 30-foot observation tower cantilevered out over the boardwalk and sand (on the east side in the southwest corner of the existing parking lot), away from the park's green space; and construct a detached 650 square-foot single story, rescue vehicle and emergency equipment facility also within the parking lot. In addition, the existing 360 square-foot steel container (adjacent to Kellogg Park along Calle Frescota) which currently stores the lifesaving equipment would be removed.

The project site is zoned Public Park (PP) of the La Jolla Shores Planned District (LJSPD) and is designated for Parks/Open Space within the La Jolla Community Plan area.

NOTE: Matter of the appeal filed by Philip A. Merten applies only to the environmental determination.

(See Report to the City Council No. 08-123.)

STAFF'S RECOMMENDATION:

Take the following actions:

Granting or denying the appeal and upholding or overturning the Planning Commission's decision certifying the Mitigated Negative Declaration, Project No. 146179; and certifying associated Mitigation, Monitoring and Reporting Program;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on July 10, 2008, voted 4-0-3 to deny the appeal and approve Coastal Development Permit No. 516403 and Site Development Permit No. 516405; Certify Mitigated Negative Declaration LDR No. 146179 and adopt Mitigation, Monitoring and Reporting Program..

Ayes: Otsuji, Ontai, Schultz, Naslund
Recusing: Golba
Not present: Griswold and Smiley

The La Jolla Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the environmental determination for a Mitigated Negative Declaration for the La Jolla Shores Lifeguard Station project, located within the La Jolla Community Plan area.

STAFF RECOMMENDATION:

Deny the appeal and **Uphold** the Environmental Determination.

EXECUTIVE SUMMARY:

The project proposes to demolish the existing 850 square-foot lifeguard station and the 360 square-foot steel storage container; construct a new 1,485 square-foot lifeguard station with a 30-foot observation tower and a detached 650 square-foot single story equipment facility at Kellogg Park (8200 block of Camino Del Oro) within La Jolla Shores.

On May 7, 2008, the Hearing Officer certified Mitigated Negative Declaration (MND) LDR No. 146179, adopted Mitigation, Monitoring and Reporting Program; and approved Coastal Development Permit No. 516403 and Site Development Permit No. 516405. On May 21, 2008, the project was appealed to the Planning Commission (PC) by Barry Kusman.

On July 10, 2008, the PC denied an appeal of the Hearing Officer's approval and granted all approvals for the proposed project. On July 21, 2008, Philip A. Merten appealed the MND.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Basis for the Appeal: The environmental concerns listed by the appellant include Land Use and Visual Quality as outlined within the Initial Study Checklist of the MND.

The **appellant** believes the project does not conform to the land use goals, objectives and recommendations of the certified La Jolla Community Plan (LJCP) and Local Coastal Program Land Use Plan (LCPLUP).

Staff Response: The project as proposed would meet the land use goals, objectives and recommendations of the LJCP and LCPLUP because it reconstructs the existing facility away from the Kellogg Park green space, locates the facility on the pavement side of the boardwalk and not the sand side, and the tower has been designed with a narrow profile to help protect public views. The existing equipment storage facility is located adjacent to Calle Frescota. The new equipment facility would be located in the northern part of the parking lot, thereby completely removing it from the Calle Frescota view corridor.

In addition, the project would provide a more modern facility to accommodate the need for increased lifesaving staff and the ever increasing number of beachgoers attending this area. The new proposal would provide a public first aid facility for users of La Jolla Shores and Kellogg Park. Therefore, no land use impacts would occur.

The **appellant** believes there would be impacts to the certain public vantage points identified in the LJCP and LCPLUP.

Staff Response: Analysis of the public views and vantage points identified in the LJCP and LCPLUP (page 145 - Figure C) resulted in no substantial view blockage. The view from Kellogg Park and Camino Del Oro are being enhanced because the proposed project location would be providing expanded ocean views from the grassy park area and no obstruction from an identified view corridor.

FISCAL CONSIDERATIONS:

La Jolla Shores Lifeguard Station is a Capital Improvement Project being funded through CIP 33-503.0. Fund 92110-PFFA-FLSF and Fund 91442000 TOT/CIP COASTAL INFRA.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

1. February 9, 2005, Hearing Officer (HO) approved the original project and certified the Negative Declaration.
2. May 12, 2005, the PC denied the appeal and Upheld the HO's decision.
3. May 7, 2008, the HO approved the project and certified the MND.
4. July 10, 2008, the PC denied the appeal and Upheld the HO's decision.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On February 26, 2008, the La Jolla Shores Permit Review Committee voted 3-0-0 to approve the project with no conditions. On April 3, 2008, the La Jolla Community Planning Association voted 12-1-1 to approve the project with conditions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The Key Stakeholders are The City of San Diego Fire and Rescue Department, and the Police Department.

LEGAL DESCRIPTION:

The proposed project is located on the boardwalk west of the 8200 block of Camino Del Oro, at La Jolla Shores Beach at Kellogg Park, within the Coastal Zone and the La Jolla Community Planning Area.

Broughton/Anderson

Staff: Vena Lewis – (619) 446-5197
Andrea Dixon – Deputy City Attorney

NOTE: This item is not subject to the Mayor's veto.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-334: Torrey Hills VTM, Project No. 106228. An application for a Rezone from the IP-2-1 and RM-2-5 Zones to RM-3-8 and OR-1-1 Zones, Community Plan Amendment, Vesting Tentative Map and Planned Development Permit to allow the development of 484 residential condominiums and 4,000 square feet of commercial retail space. (Torrey Hills Community Plan Area. District 1.)

► [View referenced exhibit back-up material \(Part 1 of 6\); \(Part 2 of 6\); \(Part 3 of 6\); \(Part 4 of 6\); \(Part 5 of 6\); \(Part 6 of 6\).](#)

Matter of approving, conditionally approving, modifying or denying an application for a Rezone from the IP-2-1 and RM-2-5 Zones to RM-3-8 and OR-1-1 Zones, Community Plan Amendment, Vesting Tentative Map and Planned Development Permit to allow the development of 484 residential condominiums and 4,000 square feet of commercial retail space on a 22.3 acre site located south of Calle Mar De Mariposa between Vista Sorrento Parkway and West Ocean Air Drive in the Torrey Hills Community Plan Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, C, D, and E; and introduce the ordinance in Subitem B:

Subitem-A: (R-2009-188 Cor. Copy)

Adoption of a Resolution certifying that Final to Master Environmental Impact Report No. 106228, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended and State Guidelines, thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone, community plan amendment, vesting tentative map and planned development permits for the Torrey Hills project;

Declaring that pursuant to California Public Resources Code Section 21081 and Administrative Code Section 15091, the City Council hereby adopts the Findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-A: (Continued)

Declaring that pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Project specific Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (O-2009-23 Cor. Copy)

Introduction of an Ordinance changing 24.8 acres located between Vista Sorrento Parkway and West Ocean Air Drive, south of Calle Mar De Mariposa, within the Torrey Hills Community Plan Area, in the City of San Diego, California, from the IP-2-1 and RM-2-5 Zones into the RM-3-8 and OR-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0406 and 131.0204; and repealing Ordinance No. O-18451 (New Series), adopted December 9, 1997, of ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2009-185 Cor. Copy)

Adoption of a Resolution amending the Torrey Hills Community Plan, a copy of which is on file in the Office of the City Clerk;

Amending the Progress Guide and General Plan for the City of San Diego, solely to incorporate the above amended plan.

Subitem-D: (R-2009-186 Cor. Copy)

Adoption of a Resolution certifying the findings with respect to Vesting Tentative Map No. 352708;

Declaring the above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Granting Vesting Tentative Map No. 352708 to Coast Income Properties, Inc., Applicant/Subdivider, and C. John Eardensohn, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-E: (R-2009-187 Cor. Copy)

Adoption of a Resolution certifying the findings with respect to Planned Development Permit (PDP) No. 352707;

Declaring that the recommendation of the Planning Commission is sustained, and PDP No. 352707 is granted to Westbrook Torrey Hills, L.P., a Delaware limited liability company, AME Torrey View LLC., a California limited liability company and Pacific Centre Carmel Valley, LLC., a California limited liability company, Owners and Pacific Centre Carmel Valley, LLC., a California limited liability company, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on August 7, 2008, voted 5-0-2 to approve the project and support Staff's recommendations.

Ayes: Griswold, Ontai, Naslund, Otsuji, Golba
Not present: Schultz, Smiley

The Torrey Hills Community Planning Board voted several times on the proposed project. The final action by the Board was a vote of 9-3-0 on May 20, 2008, to not support the project. The Board could not support the project as proposed primarily due to the increase in density above that which already exists in the community. The Board motion was a tentative position reserving their opportunity to comment after reviewing the final EIR.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

A Rezone, General Plan and Community Plan Amendment, Vesting Tentative Map and Planned Development Permit to develop 484 residential condominiums and one commercial condominium for 4,000 square feet of commercial space, site landscaping, and minor improvements in the public right-of-way on 22.3 acres within the Torrey Hills Community Plan area.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

STAFF RECOMMENDATION:

1. **Certify** Environmental Impact Report No. 106228, Adopt the Findings and Statement of Overriding Considerations, and Adopt the Mitigation Monitoring and Reporting Program; and
2. **Approve** Rezone No. 352706, Community Plan Amendment No. 354697, Vesting Tentative Map No. 352708 and Planned Development Permit No. 352707.

EXECUTIVE SUMMARY:

The Torrey Hills Community Plan currently designates the site for industrial development. The community plan amendment would re-designate the site for a maximum of 484 multiple family dwelling units and transfer 950 Average Daily Trips (ADT) from Traffic Analysis Zone (TAZ) 731 to TAZ 737. The 22.3 acre site is located between West Ocean Air Drive and Vista Sorrento Parkway, south of Calle de Mar Mariposa in the Torrey Hills Community Plan area. The zoning request would rezone the IP-2-1 and RM-2-5 Zones on the site to the RM-3-8 and OR-1-1 Zones. A Vesting Tentative Map and Planned Development Permit would allow the site to be subdivided for condominiums and develop a project with 484 residential units and 4,000 square feet of commercial space, site landscaping, and minor improvements in the public right-of-way in the Torrey Hills Community Plan area.

The project proposes two deviations from the requirements of the proposed RM-3-8 Zone. One deviation would allow a ten foot side yard setback adjacent to West Ocean Air Drive where the Land Development Code requires a minimum of ten percent of the lot width or 64 feet. The second deviation would allow a retaining wall in the southeast corner of the site adjacent to Building 8 to be constructed to six feet six inches where the Land Development Code allows two three-foot retaining walls separated by a three foot landscape area.

The proposed development would include the construction of 484 multi-family residential condominium units within eleven buildings. The development would be a combination of podium condominiums to the north and courtyard townhomes to the south. A total of 384 condominium units would be located within six buildings on the northern portion of the site. Each of these buildings would be four stories and approximately 48 feet tall. There would be 144 one-bedroom units, 146 two-bedroom units, and 94 three-bedroom units. The 100 townhomes would be located within five buildings on the southern portion of the site. Each building would be three stories and approximately 36 feet tall. The courtyard units would range from one to three bedrooms. There would be 20 one-bedroom townhomes, 30 two-bedroom townhomes and 50 three-bedroom townhomes.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The project also includes a 1.05 acre park, a recreation center with a fifty foot swimming pool and spa, a recreation building with a community room, two offices, restroom facilities, and several barbeque areas throughout the site. The project proposes approximately 4,000 square feet of neighborhood serving commercial space within Building 1 at the ground level. The retail component would be visible from both Calle Mar de Mariposa and West Ocean Air Drive, and would be accessible to pedestrians from both streets at this intersection.

FISCAL CONSIDERATIONS:

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Planning Commission recommended staff's recommendation by unanimous vote of 5:0:0. The Torrey Hills Community Planning Board (Board) voted, on May 18, 2008, 9:3:0. The Board could not support the project as proposed primarily due to the increase in density above that which already exists in the community. The Board motion was a tentative position reserving their opportunity to comment after reviewing the final EIR.

KEY STAKEHOLDERS:

Westbrook Torrey Hills, L.P., a Delaware limited liability company;
Ame Torrey View LLC., a California limited liability company; and
Pacific Centre Carmel Valley, LLC, a California limited liability company, Owners.

Broughton/Anderson/JF

LEGAL DESCRIPTION:

The Torrey Hills VTM project is located within the Torrey Hills Community Planning Area (Lots 1 through 4 of Torrey Hills Unit 19, Map No. 14301) and Marine Corps Air Station Miramar Airport Influence Area.

Staff: John Fisher – (619) 446-5231
Marianne Greene – Deputy City Attorney

NOTE: This item is not subject to the Mayor's veto.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-335: Wightman Street Neighborhood Park, Project No. 149112. Appeal of the decision by the Mayor Designee certifying a Mitigated Negative Declaration (MND) for the design and development of the Wightman Street Neighborhood Park. The proposed project site is located at 5024-5050 Wightman Street, east of 50th Street and south of University Avenue. This Appeal applies only to the environmental determination. (City Heights Neighborhood of the Mid-City Communities Plan Area. District 7.)

[► View referenced exhibit back-up material.](#)

Matter of the appeal filed by Theresa Quiroz regarding the decision of the Mayor to approve a General Development Plan (GDP) and certify a Mitigated Negative Declaration (MND) for the design and development of the Wightman Street Neighborhood Park on a 0.9 acre parkland located in the Mid-City City Heights area, proposing park amenities such as children's play area with playground equipment, basketball courts, picnic furniture and shade structure, trails and exercise stations, and landscapes. In addition, this project will also include improvements to Auburn Creek for the portion located on site in compliance with the City's Chollas Creek Enhancement Program adopted in 2002 enhancing it to a more natural riparian condition, featuring it as an educational and recreational amenity for the public, and improving drainage flow in the creek channel. The proposed project site is located at 5024-5050 Wightman Street, east of 50th Street and south of University Avenue in the RM-1-3 zone of the City Heights Neighborhood of the Mid-City Community Planning Area. This Appeal applies only to the environmental determination.

(See Report to the City Council No. 08-126 and Mitigated Negative Declaration No. 149112.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A:

Granting or denying the appeal and upholding or overturning the decision by the Mayor's Designee certifying Mitigated Negative Declaration (MND) No. 149112, and adopting Mitigation Monitoring and Reporting Program (MMRP);

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

Subitem-A: (Continued)

Certifying that the information contained in Mitigated Negative Declaration No. 149112, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State Guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

That the City of San Diego City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project;

Directing the City Attorney to prepare the appropriate resolution(s) according to Section 40 of the City Charter.

Subitem-B:

Granting or denying the appeal and approving the General Development Plan associated with Wightman Street Neighborhood Park, Project No. 149112;

Directing the City Attorney to prepare the appropriate resolution(s) according to Section 40 of the City Charter.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

OTHER RECOMMENDATIONS:

On November 28, 2007, the Colina Del Sol Recreation Council voted unanimously (4-0-0) recommending approval of the Wightman Street Neighborhood Park GDP as presented with one recommendation that the park designers resolve the safety condition presented at the opening of an adjacent drainage culvert box in Wightman Street. This recommendation was incorporated into the GDP and presented to the Park Area Committee (April 9, 2008), Design Review Board (May 14, 2008) and the Park and Recreation Board (July 17, 2008). All groups recommended approval of the GDP as presented.

STAFF SUPPORTING INFORMATION:**REQUESTED ACTION:**

This action is an appeal of the environmental determination (Mitigated Negative Declaration No. 149112) which was prepared for the development and construction of a new neighborhood park on an approximately 1-acre City-owned park site.

STAFF RECOMMENDATIONS:

DENY the appeal and **CERTIFY** MND No. 149112; and **APPROVE** the General Development Plan.

EXECUTIVE SUMMARY:

This item is an appeal of the environmental determination by the Mayor Designee to approve a General Development Plan (GDP), certify a Mitigated Negative Declaration (MND No. 149112) and adopt a Mitigation, Monitoring and Reporting Program for the design and development of the Wightman Street Neighborhood Park. The project will provide for park amenities such as children's play area with playground equipment, basketball courts, picnic furniture and shade structure, trails and exercise stations, and landscapes. In addition, this project will also include improvements to Auburn Creek for the portion located on site in compliance with the City's Chollas Creek Enhancement Program adopted in 2002, restoring it to a more natural riparian condition, provide other educational and recreational amenities, and improve drainage flow in the creek channel. The designated park site is located on an approximately 1-acre City-owned parcel at 5024-5050 Wightman Street, east of 50th Street and south of University Avenue in the RM-1-3 zone of the City Heights Neighborhood of the Mid-City Community Planning Area. The designated park site is directly adjacent to the Auburn Branch of Chollas Creek on the north and west and is otherwise surrounded by residential uses. A public park is not identified as a permitted use in the RM-1-3 zone. However, City facilities were intentionally excluded from the Land Development Code (LDC) Permitted Use Tables so that the City would have the flexibility to place them in any City zone. Therefore, a development permit was not required for this project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The appeal (Attachment 1) of the environmental determination asserts that significant environmental impacts have not been adequately addressed in the Mitigated Negative Declaration, contending that there is a potential for significant impacts on the environment necessitating the preparation of an Environmental Impact Report (EIR) for public health due to sewage and other run-off contaminants based on evidence in the administrative record for a settlement agreement related to the subject property.

Staff disagrees with the appeal and believes Mitigated Negative Declaration No. 149112 considered all potential impacts to the environment and that the Mitigation, Monitoring and Reporting Program (MMRP) provides sufficient mitigation for the proposed project. Furthermore, staff determined that the proposed project is consistent with the City's Stormwater Standards which specifically requires implementation of applicable Best Management Practices (BMPs). Compliance with the City's Municipal Permit would be assured through implementation of project specific BMPs in accordance with the City's Stormwater Regulations. Lastly, the project has been reviewed for compliance with the Chollas Creek Enhancement Plan.

The Mitigated Negative Declaration was prepared, distributed and finalized in accordance with all applicable CEQA guidelines and City of San Diego land use regulations and policies. The environmental analysis focused on all potential impacts associated with the project and determined the appropriate mitigation to reduce potential impacts below a level of significance.

FISCAL CONSIDERATIONS:

All costs are recovered through CIP-29-925.0. Design and construction of the park is currently estimated to be \$3,049,000. The project has been partially funded by Special Park Fee in the amount of \$686,000. If City Council denies the appeal and upholds the Mitigated Negative Declaration, the City will send a revised application to the State of California Parks and Recreation Department requesting that grant number UP-37-002, funded via the Urban Park Act of 2001 in the amount of \$2,363,000, be moved from Fox Canyon Park to Wightman Street Park (Resolution Number R-302498). Pending State approval this project will be fully funded.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 2, 2007, the City Council authorized the addition of Wightman Street Park to the FY 2007 CIP program, and the transfer of \$686,000 of Special Park Fee and the request to the State of California to amend the project location in grant contract number UP-37002, Urban Park Act Grant, in the amount of \$2,363,000 from Fox Canyon Park to Wightman Street Park (Resolution No. R-302498).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On November 28, 2007, the Colina Del Sol Recreation Council voted unanimously (4-0-0) recommending approval of the Wightman Street Neighborhood Park GDP as presented with one recommendation that the park designers resolve the safety condition presented at the opening of an adjacent drainage culvert box in Wightman Street. This recommendation was incorporated into the GDP and presented to the Park Area Committee (April 9, 2008), Design Review Board (May 14, 2008) and the Park and Recreation Board (July 17, 2008). All groups recommended approval of the GDP as presented.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City of San Diego, Engineering & Capital Projects Department (Applicant)

City of San Diego, Park and Recreation Department (Owner/Operator)

Anderson/Broughton

LEGAL DESCRIPTION:

The proposed project site is located at 5024-5050 Wightman Street, east of 50th Street and south of University Avenue within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Staff: Debbie Van Martin – (619) 533-5414

Myra Herrmann – (619) 446-5372

Marianne Greene – Deputy City Attorney

NOTE: This item is not subject to the Mayor's veto.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT